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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/400,649	09/21/1999	ANDREW J. SZABO	SZABO-201.1	3645

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10/07/2004

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20041004

DATE MAILED:

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Commissioner for Patents

See Attached Notice

Sam Rimell
Primary Examiner
Art Unit: 2175

The appeal brief filed on July 6, 2004 is defective because it does not comply with the requirements of 37 CFR 1.192 (c)(7) and MPEP 2106. In particular, appellant presents 27 groupings of claims but does not present arguments specifically addressed to each of the groupings. The present arguments appear to only address eight of the groupings (claims, 29, 36, 38, 44, 49, 59, 60, 67).

MPEP 1206 states:

Where, however, the appellant...(B) includes the statement required under 37 CFR 1.192 (c) (7) to the effect that one or more claims do not stand or fall together (i.e. that they are separately patentable) yet does not offer argument in support thereof in the Argument section of the brief, the appellant should be notified of the non-compliance as per 37 CFR 1.192 (d). Ex parte Schrier 21 USPQ2d 1016 (Bd. Pat. App. & Int. 1991); Ex parte Ohsumi, 21 USPQ 2d 1020 (Bd. Pat. App. & Int. 1991).

37 CFR 1.192(c)(7) states:

“For each ground of rejection which appellant contests and which applies to a group of two or more claims, the Board shall select a single claim from the group and shall decide the appeal as to the ground of rejection on the basis of the claim alone unless a statement is included that the claims of the group do not stand or fall together, and, in the argument section under paragraph (c)(8) of this section, appellant explains why the claims of the group are believed to be separately patentable (Emphasis added).

Appellant is required to submit a revised brief to the above deficiencies.

To avoid dismissal of the appeal, appellant must ratify the appeal brief within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS from the

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mailing of this communication, whichever is longer; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication should be directed to Sam Rimell at telephone number (703) 306-5626.



Sam Rimell
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